



UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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DEC - 9 2002

NORRIS MCLAUGHLIN & MARCUS .PA.
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NEW YORK NY 10017

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In re Application of
Reiner Fischer et al
Serial No.: 08/470,563
Filed: June 6, 1995
Attorney Docket No.: Bayer 7731.3
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: WITHDRAWAL OF ABANDONMENT
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This is in response to applicants' petition under 37 CFR 1.181, filed October 22, 2002, requesting revival of the above-identified application based on timely filing of a reply.


A review of the file history shows the examiner mailed a first Office action to applicants on March 5, 2002, setting a one month shortened statutory period for reply. Upon failure to receive a reply the application was held abandoned by Notice of Abandonment mailed October 7, 2002.

Applicants state that a reply, including a one month extension of time request and fee authorization, was filed by facsimile transmission on May 6, 2002, and provide a copy of an Office generated return fax to show Office receipt of the reply. Based on the statements and evidence of record it is concluded that the reply was timely filed, but never correlated with the file. Applicants copy submitted with the petition will be used in lieu thereof. In view thereof, the Notice of Abandonment is withdrawn and the application is restored to a pending status with the mailing of this decision.

Applicants' petition is **GRANTED**.

The application will be forwarded to the examiner for further action.

Should there be any questions regarding this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.


Bruce M. Kisiuk
Director, Technology Center 1600